

**MINUTES OF THE FLORENCE TOWN COUNCIL HELD ON MONDAY, NOVEMBER 17, 2008  
AT 7:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET,  
FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Kilvinger called the meeting to order at 7:02 p.m.

**ROLL CALL:**

Present: Kilvinger, Smith, Woolridge, Raasch, Hawkins, Brown

Absent: Celaya

**PLEDGE OF ALLEGIANCE**

Mayor Kilvinger led the Pledge of Allegiance.

**CALL TO THE PUBLIC/COUNCIL RESPONSE**

**Call to the Public for Public Comment on issues within the jurisdiction of the Town Council. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.**

Mr. Andrew Minzo, Toastmasters representative, stated that the organization helps its members improve their communication, public speaking, and leadership skills. It also emphasizes listening and thinking. He stated that the Toastmasters were founded in 1924 in Santa Ana, California and is now 220,000 members strong, with 11,300 clubs in 90 countries. He noted that the primary focus remains on the individual member and their goal, which has been the same since the organization's inception. He read the mission statement and said the statement embodies the philosophies of the club. The Florence club has been active for three years. He stated that the public is invited to their weekly meetings and encouraged everyone to attend.

Ms. Linda Kinsfather stated that she is in favor of being annexed into the Town. She feels that both the residents of her community as well as the Town would benefit.

Mr. Seraphim Larson stated that he, along with those who live in Cactus Forest support the residential and commercial development in their area such as the Florence Ranch proposed development. They would like the Council to ensure that adequate roads and infrastructure will be constructed to support the developments.

**PUBLIC HEARING**

**Public Hearing on proposed Annexation No. 2008-01, more commonly known as the Arizona Farms Annexation.**

Mr. Mark Eckhoff, Planning Director, stated that Arizona Farms Annexation is in the northern part of town and is approximately 8 square miles with major roads in the area. The annexation is important because it will provide opportunities for future employment, commercial

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development, residential, and land uses. The proposed SRP plant and substation, as well as the railroad crossings are included in the annexation. Mr. Eckhoff stated that Mr. Timothy O. Brislin, Quail Run 3512, LLLP, submitted an opposition letter to being annexed. Mr. Eckhoff stated that the request will be considered.

Mayor Kilvinger opened the public hearing.

Ms. Starla Jackson stated that she lives in Crestfield Manor, and she along with the other residents of the community would like to be annexed into the Town of Florence. She added the developer has blocked their efforts to be included since they hold the majority of the voting rights. She asked that the Town continue to consider Crestfield Manor in future annexations.

Jeanine Rowgood, SRP Government Liaison to Pinal County, stated that the plans have been submitted to SRP for review and they have no objections. She clarified that the SRP 500 kv line and associated switch yard, and power plant property, are included in the proposed annexed area. She added that if the annexation is successful she is willing to assist staff with appropriate disclosure of the properties.

Ms. Jackie Guthrie, Dobson Family representative, stated that the Dobson family owns three sections, totaling approximately 1800 acres within the proposed annexation. She expressed their support in coming into the Town of Florence and she looks forward to rezoning and future development plans in the Town.

Mr. Court Rich, Rose Law Group, Representative for a 40-acre property owner at the northeast corner of Felix and Arizona Farms Road, stated that the property owners are in favor of being annexed into the Town. They are planning to do a mixed-use residential and commercial development.

Mr. Seth Keeler, Representative of Arizona Farms Project, stated that they are in favor of the annexation.

Mayor Kilvinger closed the public hearing.

Vice-Mayor Smith asked about Magma Dam's ability to allow the annexation to proceed, even though the dam has not been completed.

Mr. Himanshu Patel, Town Manager, stated the Flood Control District has gone through a restructuring process. The structure's intent was initially to protect farm land, and is now in the stages of protecting development lands since most of the farming opportunities have become development land. They have been successful in modifying legislature at the State level to address the ability to finance improvements relating to the structure by establishing a taxing authority based on valuation and acreage. The engineering and design for the dam has been completed with an estimated construction cost between 5.5 and 6.5 million dollars. There are two developers: Skyview Farms and Sunbelt Holding, which have initiated upfront dollars for engineering and design. There will be no approval of final plats or issuance of permits until the dam has begun the remediation and the repair stages.

**Public Hearing Florence Ranch Planned Unit Development and first reading of Ordinance No. 494-08: AN ORDINANCE OF THE TOWN OF FLORENCE APPROVING FLORENCE RANCH PLANNED UNIT DEVELOPMENT (PZC-03-08-PUD).**

Mr. Patel read Ordinance No. 494-08 by title only.

Mr. Eckhoff stated the site is located on SR79 along both sides of the Florence-Kelvin Highway. A small portion of the site lies west of SR79. A portion of the property is in the Town limits. A zoning change is requested from various zoning to Planned Unit Development for the proposed Florence Ranch Master-Planned Community. The PUD will allow for a variety of land uses. The maximum density will be 3.8 dwelling units per acre. The zoning is consistent with the General Plan. The Town is sensitive to ensure that the infrastructure will be there such as water, sewer, and transportation network. The Planning and Zoning Commission recommended approval subject to the conditions stated in the report.

Mayor Kilvinger opened the public hearing.

Mr. Larson stated that his comments earlier were in regard to traffic in the Anthem area, and not Anthem directly. He stated that he is worried about traffic on SR87; not SR79 where the units are planned. There are 1200 homes planned for this area which will generate a lot of traffic and he suggested that the Town work with Pinal County and the State of Arizona to ensure that the traffic concerns are addressed.

Mr. John Battulio, Ballard Star, Representative of the property owners on the project, stated that the build out extends over a much extended period of time. In the draft development agreement, they have committed to construct infrastructure that is going to be needed for the project. They have also proposed putting in a special taxing district on their boundary so the residents that live there fund the traffic improvements.

Mayor Kilvinger closed the public hearing.

**Public Hearing Mahoney Planned Unit Development and first reading of Ordinance No. 495-08: AN ORDINANCE OF THE TOWN OF FLORENCE APPROVING MAHONEY PLANNED UNIT DEVELOPMENT (PZC-71-07-PUD).**

Mr. Patel read Ordinance No. 495-08 by title only.

Mr. Eckhoff stated the request is for a zone change from RA-4 to Planned Unit Development, should the annexation proceed. He stated that the area is located  $\frac{3}{4}$  mile east of Hunt Highway on the northwest corner of the Franklin Road and Attaway Road alignments and is approximately 10 acres. Mr. Mahoney would like have an RV and Boat storage along with mini storage on his property. Currently, the residents in the area do not have a location to place their RV or boat. Mr. Eckhoff stated that the landscaping and wall will mirror what Anthem currently has. The Planning and Zoning Commission has recommended approval subject to the conditions in the report.

Mayor Kilvinger opened the public hearing. There being no comments, Mayor Kilvinger closed the public hearing.

Councilmember Brown inquired about the horse stalls, riding area, and other equestrian facilities listed in the analysis.

Mr. Eckhoff stated that Mr. Mahoney has an equestrian area and small events at his property. He wants to ensure that until the area is fully developed as the usage is depicted, he can continue with his equestrian area and will be phased out as development happens. Mr. Mahoney is under no obligation to commence the first phase at any specific time. He stated that the economy has had an impact as to when he would start the first phase.

**CONSENT: All items indicated by an (\*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.**

Himanshu Patel, Town Manager, read the Consent Agenda for the record.

- a. **\*Ratification of the following donations to the Parks and Recreation Department to off-set the cost of the Halloween Carnival:**
  - i. **\$100.00 donation from Florence Correctional Center CCA**
  - ii. **\$50.00 from American Legion McClellan Parsons Post No. 9.**
- b. **\*Acceptance of the public improvements for Constitution Way (STA 10+90.70 to STA 29+92.58).**
- c. **\*Authorization for the Town to enter into an agreement with Antenna Audio Incorporated for the purpose of producing an audio tour for the community of Florence for an amount not to exceed \$30,855.**
- d. **\* Authorization to enter into an Intergovernmental Agreement with City of Phoenix Municipal Tax Hearing Office.**
- e. **\*Acceptance of the register of demands ending on October 31, 2008 in the amount of \$1,685,596.61.**

On motion of Councilmember Raasch, seconded by Councilmember Brown and carried to approve the items on the consent agenda.

#### **UNFINISHED BUSINESS**

**Ordinance No. 490-08: Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, ARIZONA AMENDING CHAPTER 73 – STOPPING, STANDING AND PARKING, BY AMENDING SECTION 73.05 – TIME LIMIT (First reading November 3, 2008).**

Mr. Patel read Ordinance No. 490-08 by title only.

Mr. James Mannato, Town Attorney, stated that the ordinance will provide the Chief of Police with the authority to install signs in the Town's municipal parking lots, which would place



reasonable restrictions on the duration of parking, thereby controlling unauthorized use of the lots for longer term storage of motor vehicles.

On motion of Councilmember Raasch, seconded by Councilmember Brown and carried to adopt Ordinance No. 490-08.

**Ordinance No. 491-08: Discussion/Approval/Disapproval of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE THE REVISED FLOOD INSURANCE STUDY, FLOOD INSURANCE RATE MAPS AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND RATIFICATION; AND PROVIDING PENALTIES (First reading November 3, 2008).**

Mr. Patel read Ordinance No. 491-08 by title only.

Mr. Patel stated that the ordinance is for ratification of the Floodplain Management Ordinance that authorizes and approves the Pinal County Floodplain Management Ordinance for regulation of floodplain within the Town of Florence, and designated the Town Manager as the Floodplain Manager for the Town of Florence. It also adopts the Floodplain Maps of 1981 and the insurance studies. There was conflicting language on the previous ordinance on August, 2007. This Ordinance has been modified. Staff recommends approval.

On motion of Councilmember Raasch, seconded by Councilmember Brown and carried to adopt Ordinance No. 491-08.

#### **NEW BUSINESS**

**Resolution 1138-08: Discussion/Approval/Disapproval of A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND ADOPTING THE IDENTITY THEFT PREVENTION POLICY AND PROGRAM.**

Mr. Patel read Resolution No. 1138-08 by title only.

Ms. Becki Guilin, Finance Director, stated that the Federal Trade Commission has required all utility providers have an Identity Theft Prevention Program. The policy is to protect those who conduct business with the Town of Florence. The guidelines will ensure compliance with the Federal Trade Commission's mandated program as well as further enforce the Town's procedural efforts to maintain confidentiality and protect citizens. The committee consists of Program Administration which is the Finance Director, Town Clerk, Information Technology Manager, and Business Office Supervisor. The committee will review the policy on an annual basis and will properly train staff.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins and carried to adopt Resolution No. 1138-08.

**Resolution 1139-08: Discussion/Approval/Disapproval of A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA AUTHORIZING THE TOWN OF FLORENCE TO ENTER INTO THE ARIZONA MUTUAL AID COMPACT (AZMAC). THIS COMPACT IS MADE AND ENTERED INTO BY AND AMONG THE SIGNATORY POLITICAL JURISDICTIONS WITHIN THE STATE OF ARIZONA AND THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS.**

Mr. Patel read Resolution No. 1139-08 by title only.

Ms. Lisa Garcia, Town Clerk, stated that the Mutual Aid Compact will provide the Town the necessary tools to provide and receive assistance. It will also provide those who are providing assistance to take into consideration items such as geographic proximity and existing commitments that are in the community before assistance is provided. It will also provide proper procedures for requesting assistance and determining resource availability as well as negotiations of the cost for assistance prior to providing or receiving assistance. The agreement has a term of ten years.

Mr. Pete Weaver, Pinal County Emergency Manager, thanked the Town of Florence for the work and commitment in regards to emergency response and preparedness.

On motion of Vice-Mayor Smith, seconded by Councilmember Raasch and carried to adopt Resolution No. 1139-08.

**Resolution 1141-08: Discussion/Approval/Disapproval of A RESOLUTION OF THE MAYOR AND COUNCIL ESTABLISHING REGULAR MEETING DATES AND TIMES FOR TOWN OF FLORENCE BOARDS & COMMISSIONS.**

Mr. Patel read Resolution No. 1141-08 by title only.

Ms. Garcia stated the Historic District Advisory Commission has requested to change their meeting time from 6:30 p.m. to 6:00 p.m.

On motion of Councilmember Woolridge, seconded by Councilmember Brown and carried to adopt Resolution No. 1141-08.

**Ordinance No. 492-08: first reading of AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF FLORENCE, PINAL COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING TOWN LIMITS OF THE TOWN OF FLORENCE, ARIZONA AND PROVIDING FOR A RESCISSION OF SUCH ANNEXATION IF REZONING IS NOT APPROVED OR ANNEXATION CHALLENGED (Mahoney Annexation, No. 2008-02).**

Mr. Patel read Ordinance No. 492-08 by title only.

Mr. Eckhoff stated the annexation involves one property owner and BLM land.

**Ordinance No. 493-08: first reading of AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF FLORENCE, PINAL COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING TOWN LIMITS OF THE TOWN OF FLORENCE, ARIZONA AND PROVIDING FOR A RESCISSION OF SUCH ANNEXATION IF REZONING IS NOT APPROVED OR ANNEXATION CHALLENGED (Florence Ranch Annexation, No. 2008-03).**

Mr. Patel read Ordinance No. 493-08 by title only.

Mr. Eckhoff stated that this is the section of Florence Ranch which is not in the Town limits. He stated that when doing annexations, they carefully look at the impact of the development and the infrastructure. There are a multiple transportation plans and studies which allow for better planning.

**Discussion/Approval/Disapproval of entering into a modified employment agreement with the Town Manager, Himanshu Patel.**

Mr. Patel stated that the request is to modify the Employment Agreement Section 4. Salary and Compensation for the Town Manager to be effective November 8, 2008. As part of an on-going expenditure reduction strategy for FY2008-2009, the Town Manager has decided to freeze merits for all Department Managers. As a result, the Town Manager feels it is prudent to also adjust his salary to ensure continuity and fairness to the Town's valuable employees.

On motion of Councilmember Woolridge, seconded by Councilmember Raasch, and carried to enter into a modified agreement with the Town Manager, Himanshu Patel.

**Ordinance No. 496-08: first reading of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF THE TOWN OF FLORENCE, CHAPTER 30, RULES OF ORDER AND PROCEDURE, SECTION 21 REGULAR MEETINGS.**

Mr. Patel read Ordinance No. 496-08 by title only.

Ms. Garcia stated that the request is to change the Town Council meeting from 7:00 p.m. to 6:00 p.m. on the first and third Monday of each month. This request was made by staff to Council at the Council/Manager Retreat on November 10, 2008. If approved, it will become effective January 1, 2009. The Public Information Officer will advertise the new start time in the local paper, on the Town's website and on Florence's Channel 11.

**Resolution No. 1140-08: Discussion/Approval/Disapproval of A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE FLORENCE TOWN COUNCIL RULES OF PROCEDURE, EFFECTIVE JANUARY 1, 2009.**

Mr. Patel read Resolution No. 1140-08 by title only.

Ms. Garcia stated that Ordinance No. 496-08 will change the Rules of Procedure, so a Resolution must be done for this change. The Order of Business section of the policy will be modified to allow speakers who wish to speak regarding items that appear on the agenda to speak at the first call to the public. The second call to the public will allow speakers to comment on any item under the jurisdiction of the Florence Town Council.

On motion of Councilmember Woolridge, seconded by Vice-Mayor Smith and carried to adopt Resolution No. 1140-08.

## **DEPARTMENT REPORTS**

### **Manager's Report**

#### **Department Reports**

**Courts**

**Finance**

**Fire**

**Library**

**Parks and Recreation**

**Planning**

**Police**

**Public Works**

Councilmember Raasch stated that the expenditures were more than the revenues received by approximately \$790,000 in the General Fund.

Ms. Guilin stated that the Town is approximately 2 months behind in City Sales Tax, but it will catch up.

Mr. Patel introduced Mr. Jeff Moser as Interim Fire Chief. Mr. Moser has been employed by the Town for 18 years. He added that he is very capable and competent in managing the Fire Department, and has previously served as Interim Fire Chief. Mr. Patel added that his service to the community is appreciated.

Councilmember Raasch inquired about the increase in noise complaints.

Chief Ingulli stated that it is because of the increase in developments in the Town.

Councilmember Raasch inquired about the increase in traffic citations.

Chief Ingulli stated that they were fully staffed and were able to focus on citations as well. He added that currently the department has four vacancies which will impact the amount of citations in the future.

Councilmember Raasch inquired about the time table for the streets project in Florence Gardens. He also inquired about the pipe that is along the road.

Mr. Wayne Costa, Public Works Director, stated that Street Improvement Project Phase II should start paving the first part of December, 2008, and should be completed by month-end. He stated that the pipe should be removed by the end of November, 2008.

Councilmember Brown stated that she has received many complaints regarding the jake brake noise on the highway. She inquired about posting of signs.

Chief Ingulli stated that they are waiting for the signs so they can post them. He stated that discussions have occurred with Public Works. The Police Department is unable to enforce the ordinance until the signs are posted. There are two vehicle inspectors who constantly patrol the area which should help with the problem.

The department reports were received and filed.

### **CALL TO THE COUNCIL**

Councilmember Hawkins stated that the dedication of the Coolidge/Florence Elks Lodge will be November 22, 2008 at the lodge. Lunch will be served following the dedication.

Councilmember Brown thanked staff for the new Council chairs.

Councilmember Raasch asked everyone to support the Junior Parada.

Vice-Mayor Smith stated that there are openings for the Junior Parada Parade as well as free space for vendors. He stated that the 76<sup>th</sup> annual Junior Parada is the oldest junior rodeo in the world. John Nathan Young, Doctor of Anthropology and Archeology will be at the Pinal County Historical Museum on November 23, 2008 to give a speech on the Ghost of the Hohokam - Florence 1000 Years Ago.

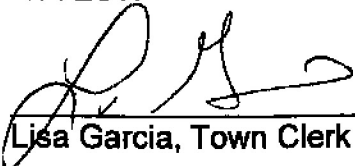
Mayor Kilvinger thanked the staff and asked for the public to support the Elks Lodge and the Junior Parada.

### **ADJOURNMENT**

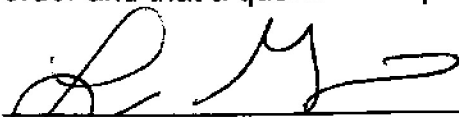
Mayor Kilvinger adjourned the meeting at 8:21 p.m.

  
\_\_\_\_\_  
Vicki Kilvinger, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on November 17, 2008 and that the meeting was duly called upon to order and that a quorum was present.

  
\_\_\_\_\_  
Lisa Garcia, Town Clerk